

## **ARTICLE III. FINANCIAL TOWN REFERENDUM**

### **Sec. 301. Budget, Tax Levy, and Resolution Adoption Process.**

#### **(a) Schedule.**

- 1.) Initial Budget Workshop: The Budget Committee, Town Council, and School Committee shall participate in an initial budget workshop no later than January 15.
- 2.) Town Administrator: Prepare and submit preliminary Municipal budget request (excluding the Town Treasurer's and Town Clerk's budgets) to the Budget Committee and Town Council no later than January 15.
- 3.) Town Clerk: Prepare and submit preliminary Town Clerk budget request to the Budget Committee no later than January 15.
- 4.) Town Treasurer: Prepare and submit preliminary Town Treasurer budget request to the Budget Committee no later than January 15.
- 5.) School Committee: Prepare and submit preliminary School Department budget request to the Budget Committee no later than January 15.
- 6.) Town Council: Approve and submit the final Municipal budget request (excluding the Town Treasurer's and Town Clerk's budgets) to the Town Administrator no later than 73 days prior to the Financial Town Referendum.
- 7.) Town Council: Approve and submit the final revenue estimates to the Town Administrator no later than 73 days prior to the Financial Town Referendum.
- 8.) Town Administrator: Submit the final Municipal budget request (excluding the Town Treasurer's and Town Clerk's budgets) and final revenue estimates to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 9.) Town Clerk: Submit the final Town Clerk budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 10.) Town Treasurer: Submit the final Town Treasurer budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 11.) School Committee: Approve and submit the final School Department budget request to the Budget Committee no later than 63 days prior to the Financial Town Referendum.
- 12.) Budget Committee: Approve and submit the Budget Committee Docket, which includes Budget Proposal and Resolutions, to the Town Clerk no later than 44 days prior to the Financial Town Referendum.
- 13.) School Committee: Submit Optional Budget Proposal and Resolutions to Town Clerk no later than 37 days prior to the Financial Town Referendum.
- 14.) Town Council: Submit Optional Budget Proposal and Resolutions to Town Clerk no later than 37 days prior to the Financial Town Referendum.
- 15.) Town Clerk: Budget Proposal elector petitions made available no later than 35 days prior to the Financial Town Referendum.
- 16.) Electors: Budget and Resolution elector petitions due to the Town Clerk no later than 28 days prior to the Financial Town Referendum.
- 17.) Board of Canvassers: Certification of all elector petitions complete no later than 21 days prior to the Financial Town Referendum.
- 18.) Town Clerk: The Financial Town Hearing shall occur no later than 14 days prior to the Financial Town Referendum.

- 19.) Financial Town Referendum: The Financial Town Referendum shall occur on the third Saturday in May.
  - 20.) [If Necessary] Financial Town Referendum Runoff: The Financial Town Referendum Runoff shall occur 14 days after the Financial Town Referendum.
- (b) *Ballot*. The Financial Town Referendum ballot shall be approved by the Board of Canvassers.
- 1.) *Budget Proposals*: Pursuant to Section 301(c), Budget Proposals shall appear on said ballot and shall include:
    - A. The dollar amount to appropriate for the School Department budget,
    - B. The dollar amount to appropriate for the Municipal budget (including the Town Clerk and Town Treasurer),
    - C. The dollar amount to raise by taxation including maximum dollar amounts for the Motor Vehicle, Real & Tangible Property, and resulting Total Property tax levies,
    - D. The percentage increase or decrease to the prior year's certified Net Tax Levy, and
    - E. If necessary, the dollar amount of the Total Property Tax Levy that is in excess of the maximum levy as calculated in accordance with G.L. 44-5-2(b).Electors shall be instructed to "Vote For Only One of the following Budget Proposals".
  - 2.) *Resolutions*: Pursuant to Section 301(c), a resolution or ballot question may be included on said ballot, provided that if adopted it shall not alter the ballot entries of Section 301(b)1.)A. through E. Electors shall be instructed to "Approve or Reject" resolution(s).
- (c) *Access to Ballot*.
- 1.) The Budget Committee Budget Proposal shall appear first on the ballot in accordance with Section 301(b)1.). Resolutions submitted by the Budget Committee shall appear on the ballot.
  - 2.) At the request of either the Town Council or School Committee or both, an Optional Budget Proposal shall appear on the ballot in accordance with Section 301(b)1.). At the discretion of the Town Council, said Optional Budget Proposal shall include the Budget Committee recommended municipal budget or the municipal budget request. At the discretion of the School Committee, said Optional Budget Proposal shall include the Budget Committee recommended school budget or the school budget request. The dollar amount used for non property tax revenue (excluding education aid) in the determination of the Total Property tax levy of Section 301(b)1.)C. shall be at the discretion of the Town Council. The dollar amount used for education aid in the determination of the Total Property tax levy of Section 301(b)1.)C. shall be at the discretion of the School Committee. The dollar amount used for the Motor Vehicle Property tax levy in the determination of the Total Property tax levy of Section 301(b)1.)C. shall be at the discretion of the Town Council. Resolutions submitted by the Town Council and or the School Committee shall appear on the ballot.
  - 3.) Qualified Elector Budget Proposals in accordance with Section 301(b) 1.) submitted by elector petition in accordance with Section 301(d) shall appear on the ballot in an order determined by a Board of Canvassers lottery. Qualified Resolutions submitted by elector petition in accordance with Section 301(d) shall appear on the ballot.
- (d) *Petitions*.
- 1.) *Elector Budget Proposals*: Electors of the town may petition that an alternate budget proposal be included in the Financial Town Referendum. No later than 35 days before the Financial Town Referendum the Town Clerk shall make petition forms available which include fields for the name of the elector who is the petition originator and the ballot entry amounts of Section 301(b)1.A through E. The Town Clerk shall record the dollar amounts sought by the petition originator on the petition form, shall prepare a typed version of this petition form to be verified by the petition originator, and record a petition originator's statement, if any, as to the purpose of

the petition. The petition originator shall provide and the Town Clerk shall record either (1) the specific docket line item(s) to be increased, decreased, or created, or (2) a statement to remand the docket to the Budget Committee for final determination of docket line item(s) in accordance with said petition originator's budget proposal. Any person obtaining signatures must be a legal resident of voting age. Petitions must be returned to the Town Clerk no later than 28 days prior to the Financial Town Referendum. Any language added to a petition, or any alteration of the language thereof subsequent to the verification by the petition originator of the Town Clerk's typed version, shall be of no force or effect. There shall be no limit to the number of separate petitions which an elector may sign. Nothing in this charter shall prevent an elected official or any appointed member of a Board, Committee or Commission from being a petition originator or signatory. Nothing in this Charter shall prevent an elector, a majority of an elected body or Board, Committee or Commission from circulating a petition. An elector may originate no more than one Budget Proposal petition.

- 2.) *Elector Resolutions:* No later than 28 days before the Financial Town Referendum electors may petition that a Resolution pursuant to Section 301(b)2.) be included on the ballot for the Financial Town Referendum.
- 3.) *Qualification of Petitions:* The Town Clerk shall cause petition signatures to be verified by the Board of Canvassers, such verification to be completed no later than 21 days before the Financial Town Referendum. All Elector Budget Proposals and Elector Resolutions shall be included on the ballot for the Financial Town Referendum and presented at the Financial Town Hearing provided that they are accompanied by 50 qualified elector signatures.

(e) *Financial Town Hearing.*

- 1.) *Purpose:* The ballot pursuant to Section 301(b) as it will be presented at the Financial Town Referendum shall be provided for electors to review and equitably debate all budget proposals and resolutions.
- 2.) *Notice:* The agenda notice for the Financial Town Hearing shall comprise the Budget Committee recommendation and other qualified budget proposals as they will appear on the ballot for the Financial Town Referendum.
- 3.) *Time:* The Town Clerk shall schedule the Financial Town Hearing to be no later than fourteen (14) days prior to the Financial Town Referendum.
- 4.) *Agenda:* The Town Clerk shall set, introduce speakers in accordance with, and equitably facilitate the Financial Town Hearing agenda. The agenda shall include, at a minimum, a line item for the presentation of the Docket by the Budget Committee or representatives thereof, line item(s), if any, for the presentation of additional Budget Proposal(s), and line item(s), if any, for Resolution(s).
- 5.) *Attendance:* The Financial Town Hearing shall, at a minimum, be attended by representatives from the Town Council, Budget Committee, and School Committee. Attendance by Budget Proposal and or Resolution Petition Originators or representatives thereof shall be optional at his or her discretion.

(f) *Financial Town Referendum.*

- 1.) *Purpose:* The Financial Town Referendum may order any tax which lawfully may be ordered, make appropriations, and transact any other business pertaining to the affairs of the Town which may legally come before such referendum via Budget Proposals and Resolutions.
- 2.) *Notice:* No less than ten (10) days prior to the Financial Town Referendum, the Town Council President shall cause the referendum to be noticed pursuant to RI General Laws.
- 3.) *Time:* The Financial Town Referendum shall be held on the third Tuesday in May and poll hours shall be the same as those used for a general election. Absentee ballots shall be permitted.
- 4.) *Jurisdiction:* The Board of Canvassers shall have jurisdiction over the Financial Town Referendum including a process for absentee ballots.

- 5.) *Ballot*: Electors shall vote on the ballot in accordance with Section 301(b) presented at the Financial Town Hearing.
  - 6.) *Budget Proposals*: The Budget Proposal receiving a majority of votes cast shall be adopted.
  - 7.) *Resolutions*: Resolutions shall be adopted if the number of approvals is greater than the number of rejections. In the case of contradicting resolutions, the resolution receiving the most approvals shall be adopted.
- (g) *Financial Town Referendum Runoff*.
- 1.) *Purpose*: The Financial Town Referendum Runoff will ensure that a Budget Proposal is adopted by a majority of voters.
  - 2.) *Applicability*: The Financial Town Referendum Runoff shall occur only if no Budget Proposal at the Financial Town Referendum receives a majority of votes.
  - 3.) *Notice*: The Financial Town Referendum Runoff shall be noticed with the Financial Town Referendum pursuant to RI General Laws.
  - 4.) *Time*: The Financial Town Referendum Runoff shall be held fourteen days after the Financial Town Referendum and poll hours shall be the same as those used for a general election. Absentee ballots shall be permitted.
  - 5.) *Jurisdiction*: The Board of Canvassers shall have jurisdiction over the Financial Town Referendum Runoff including a process for absentee ballots.
  - 6.) *Ballot*: The ballot shall comprise the two Budget Proposals receiving the highest number of votes in the Financial Town Referendum. Electors shall be instructed to "Vote For Only One of the following Budget Proposals".
  - 7.) *Budget Proposals*: The Budget Proposal receiving the most votes shall be adopted.

(Res. of 7-14-14 (General Election of 11-14-14))

### **Sec. 302. Special Referenda.**

Special Referenda shall be called by the Town Clerk upon a resolution of no less than two thirds of the Town Council or whenever five (5%) percent of the electors of the Town shall make a request in writing for the calling of a Special Referendum and direct the same to the Town Clerk; provided, that said five (5%) percent shall be computed on the total number of electors appearing on the last canvassed voting lists of the Town as having a right to vote in the transaction of any business that may be duly presented at such referendum. Any request for Special Referenda shall include a Budget Proposal and or Resolution(s) in accordance with Section 301 (b) Ballot. Requested Budget Proposal(s) shall appear on said ballot with the currently adopted Budget Proposal. Voters shall be instructed to "Vote for one only of the following Budget Proposals". Voters shall be instructed to "Approve or Reject" Resolutions. The Board of Canvassers shall have jurisdiction over special Referenda including absentee ballots. Special Referenda shall be noticed in accordance with state and local law. The date of such Special Referendum shall not exceed forty five (45) days following certification of the petition.

- (a) *Restriction of Special Referenda*. No Special Referendum shall be called without the consent of the Town Council if the subject proposed to be considered has been acted upon by a Financial Town Referendum within six (6) months previous to the time of such proposed call.
- (b) *Subjects Requiring Special Notice*. No vote shall be taken at a Special Referendum to levy a tax or to dispose of real property of the Town unless special notice thereof has been given in the warrant issued for the warning of such referendum.

### **Secs. 303—309. Repealed.**

**Sec. 310.     Unreserved General Fund.**

No moneys shall be taken, withdrawn or obligated from the Unreserved General Fund if such withdrawal would cause said fund to fall below three percent (3%) of the current operating budget. This restriction may be suspended on a case basis by an affirmative vote of four-fifths of the Town Council in order to address a declared state of emergency as enacted by the Town Council.